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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,925	11/13/2003	Hyoung-Jun Kim	IK-0061	6565
34610 7590 09/21/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER MILLER, BRIAN E	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/705,925

Applicant(s)

KIM ET AL.

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/31/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-20,22-24 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) 7,9-17,19,20,22-24 and 27-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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Claims 1-2, 5-20, 22-24, 27-36 are now pending, with claims 7, 9-17, 19-20, 22-24, 27-36 withdrawn due to a previously set forth restriction requirement.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/6/07 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 5-6, 8, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (a) Claim 1, now recites, "wherein at least a portion of an edge of the tray has the same end or does not protrude beyond an end of a disk seated in the disk-seating portion" which renders the claim indefinite. It is not readily apparent whether both conditions must exist or one or the other because of the prepositional word "or". The metes and bounds of the claim cannot be ascertained at this time. Further, the phrase "the same end" further lacks proper antecedent basis, as it is not apparent which end applicant is referring to.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-6, 8, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by RYUTA (JP07-287911). In so far as the claims are now definite and understood, RYUTA discloses (as per claim 1) a disk loading apparatus for a disk drive, as shown mainly in FIG. 2a-2b including: a main body 10; and a tray 1 including a disk-seating portion 5 configured to be rotated (see arrows “A” & “B”) inside and outside the main body about a center of rotation 2 located at one side of the main body (see FIG. 2); a disk guide unit 11 provided on the tray 1 and the main body 10 and configured to cause a disk to be loaded and unloaded according to a rotating motion of the tray, wherein for at least a portion of the movement of the tray from a closed position to an open position, a disk-loading position determined by the disk guide unit is configured to move relative to the tray (see CONSTITUTION) and is considered to meet at least the language “wherein at least a portion of an edge of the tray has the same end” in so far as this language is definite and understood; (as per claim 2) further comprising a drive unit configured to rotate the tray 1; wherein the drive unit comprises: a driving motor 7 mounted on a main base (see FIG. 1b) and rotate in a forward or reverse direction and a power transmission unit 12 configured to transmit driving force from the driving motor to the tray 1; wherein the power transmission unit comprises at least one gear 12; (as per claim 5) wherein a rack gear, e.g., 11

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(FIG. 2), having a predetermined radius of curvature (as shown) formed on a bottom surface of the tray 1 and configured to engage with the driving gear 12 of the power transmission unit; (as per claim 6) wherein the center of rotation 2 of the tray is located at a front end of the main body; (as per claim 8) wherein a predetermined gap, e.g., unspecified space, is formed between the tray and the main body on a side of the tray adjacent the center of rotation, i.e., the tray and main body is not integrally formed therefore a “gap” exists therebetween, e.g., 2b; (as per claim 18) wherein the apparatus 1 is a disk drive.

***Response to Amendment & Argument***

6. Applicant's arguments with respect to claims 1-2, 5-6, 8, 18 have been considered but are not persuasive.

A...Applicant's only assertion is “Independent claim 1 has been amended to recite, *inter alia*, wherein at least a portion of an edge of the tray has the same end or does not protrude beyond an end of a disk seated in the disk-seating portion. Ryuta does not disclose or suggest such features, or the claimed combination of independent claim 1.”

From the newly applied 112, 2<sup>nd</sup> paragraph rejection, above, it is not readily apparent what applicant intends to claim with the newly recited language. It is maintained that the reference to Ryuta at least shows this newly claimed limitation in so far as it is definite and understood.

B...Applicant's remarks with respect to dependent claims 2, 5-6, 8 & 18, fail to comply with 37 CFR 1.111(b) (c) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references, and because they do not clearly point out the patentable

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novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

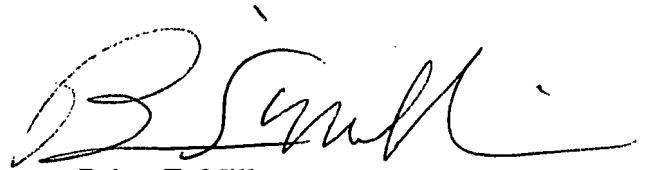
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "B. Miller", with a long horizontal flourish extending to the right.

**Brian E. Miller**  
**Primary Examiner**  
**Art Unit 2627**

BEM  
September 13, 2007